PATENT COOPERATION TREAT

PCT

r	Kec'd	16	NOV	2005	
i	WIPO			PCT	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

1 ''	licant's or agent's file reference S 03-1031	FOR FURTHER A	CTION	See Form PCT/IPEA/416					
Inter	national application No.	International filing date	(day/month/year)	Priority date (day/month/year)					
PCT/EP2004/014262 15.12.2004				24.12.2003					
International Patent Classification (IPC) or national classification and IPC A01N43/78									
Applicant BAYER CROPSCIENCE GMBH									
1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.								
2.	This REPORT consists of a total	al of 4 sheets, including t	his cover sheet.						
3.	This report is also accompanied								
	• •	d to the International Bure							
	sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).								
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.								
	b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).								
4.	This report contains indications	relating to the following	items:						
	☐ Box No. I Basis of the o	pinion							
	☐ Box No. II Priority								
	☐ Box No. III Non-establish	nment of opinion with reg	ard to novelty, inven	tive step and industrial applicability					
ļ	☐ Box No. IV Lack of unity	of invention							
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
	☐ Box No. VI Certain docu	ments cited							
	☐ Box No. VII Certain defec	cts in the international ap	plication						
,	☐ Box No. VIII Certain observations on the international application								
Date of submission of the demand		Date of completion of this report							
28.09.2005			15.11.2005						
Name and mailing address of the international preliminary examining authority:			Authorized Officer						
European Patent Office D-80298 Munich			Bertrand, F	3. 1984 A					
Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465			Telephone No. +49	189 2399-					
			I relebitorie ivo. 449	office outer					

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/014262

	Вох	No. I	Basis of the report				
 With regard to the language, this report is based on the inte filed, unless otherwise indicated under this item. 			the international app	olication in the lang	guage in which it was		
		which i	port is based on trans is the language of a tr rnational search (und dication of the international preliminary	anslation furnished er Rules 12.3 and 2 tional application (ur	for the purposes of: 3.1(b)) nder Rule 12.4)		age ,
2.	hav	e been	d to the elements * of furnished to the recei priginally filed" and are	ving Office in respoi	nse to an invitation u	is based on <i>(replac</i> <i>under Article 14 are</i>	cement sheets which e referred to in this
	Des	cription	, Pages				
	1-50)		as originally filed		•	
	Clai	Claims, Numbers					
	1-11	I		as originally filed			
		a sequ	uence listing and/or ar	y related table(s) - s	see Supplemental Bo	ox Relating to Seq	uence Listing
3.		The ar	mendments have resu	ılted in the cancellat	ion of:		
			description, pages claims, Nos.				
		☐ the	drawings, sheets/figs				
			sequence listing <i>(speriologius)</i> table(s) related to se		cify):		
4.	□ hac Sup	l not be oplemer	eport has been establ en made, since they l ntal Box (Rule 70.2(c)	have been considere	the amendments a ed to go beyond the	nnexed to this repo disclosure as filed	ort and listed below , as indicated in the
		☐ the☐ the☐ the	description, pages claims, Nos. drawings, sheets/figs sequence listing (sp	ecify):	مانة ماء		
		•	y table(s) related to se			· ho marked "a	unorgodod "
	4	7+	om A annlied d	ama ar all at t	nese sneers may	, de marked "S	UDELSEUEU."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/014262

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-5,7-11

No:

Claims

6

Inventive step (IS)

Yes: Claims

1-5,7-11

. . ,

No: Claims

6

Industrial applicability (IA)

Yes: Claims

1-11

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

International application No.

PCT/EP2004/014262

The documents mentioned hereinafter are numbered in accordance with the order in which they appear in the search report.

The present invention relates to the plant growth regulating effect of compounds of general formula (I). D1-D4 relate to such compounds for medical use. The prior art does neither describe nor suggest any activity on plants. D5 describes plant growth regulators of the aminothiazole type. However, these compounds bear 3 different substituents on 3 different sites. It could not be expected that a growth regulating activity for plants could be kept while making these changes. Therefore, this aspect of the present invention, the use of these compounds, is considered to fulfill the criteria of Art.33 PCT.

However, the present claim 6 is anticipated by D1-D4 (Art.33(2) PCT). This claim 6 relates to compositions containing the compounds of general formula (I). In the light of the prior art, such compositions were available to the public at the relevant date.

The fact that the claimed compositions are intended to be used on plants rather than for therapy is not a technical feature in a claim directed to a composition. Such a "feature" could only have some relevance in the case it would imply that the prior art compositions cannot be used for this claimed purpose. Although one skilled in the art could not have used some of these compositions for economical/practical reasons, the use of these compositions is believed to yield the desired effect. Therefore, the mention of the technical field is not considered as distinguishing.